



February 4, 2005

## SENATE BILL No. 193

DIGEST OF SB 193 (Updated February 3, 2005 10:24 am - DI 58)

**Citations Affected:** IC 10-18; noncode.

**Synopsis:** War Memorials Foundation. Authorizes the war memorials commission to establish a nonprofit corporation to promote public support for war memorials, to preserve and promote the historical and educational activities of the commission, and to operate for the benefit of the purposes of the commission. Authorizes the commission to transfer money and certain historical personal property to the corporation. Legalizes establishment of Indiana War Memorials Foundation, Inc., as the corporation the commission is authorized to establish. Legalizes any transfer of money and personal property from the commission to the foundation before April 30, 2005. Authorizes the commission to transfer the operation of the Indiana War Memorial gift shop and all property associated with the gift shop to the foundation.

**Effective:** Upon passage.

**Paul**

January 4, 2005, read first time and referred to Committee on Homeland Security, Utilities, and Public Policy.  
January 24, 2005, pursuant to Senate Rule 65(b) reassigned to Committee on Appropriations.  
February 3, 2005, amended, reported favorably — Do Pass.

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SB 193—LS 6875/DI 14+



February 4, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 193

A BILL FOR AN ACT to amend the Indiana Code concerning war memorials and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 10-18-1-18, IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. The  
3 commission may do the following:

4 (1) Make and execute contracts and other instruments that may be  
5 required in connection with the erection and maintenance of a  
6 suitable structure or structures upon or within Memorial Place.

7 (2) Adopt rules for the following:

8 (A) The proper management, government, and use of  
9 Memorial Place and the structures situated on Memorial Place.

10 (B) The government of employees.

11 (3) Acquire by condemnation the right to limit the kind, character,  
12 and height of buildings upon and the use of real estate or  
13 buildings located within three hundred (300) feet of the outside  
14 boundaries.

15 (4) Adopt reasonable rules as are proper to limit the kind,  
16 character, and height of buildings located or erected within three  
17 hundred (300) feet of the outside boundaries of Memorial Place

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and the use of the buildings or real estate. A building constructed or maintained or business conducted in violation of any rule may be abated as a nuisance in an action begun and prosecuted by the commission.

(5) Receive donations, gifts, devises, and bequests and use them in connection with the purposes of this chapter.

**(6) Establish a nonprofit corporation to do the following:**

**(A) Promote public support for the purposes of the commission and this chapter.**

**(B) Preserve and promote the historical and educational activities of the commission.**

**(C) Operate for the benefit of the purposes of the commission and this chapter.**

The corporation is subject to audit by the state board of accounts as if it were a state agency.

(7) Transfer money donated to the commission for the purposes described in subdivision (6) to a corporation established under subdivision (6).

**(8) Transfer:**

**(A) artifacts;**

**(B) images; or**

**(C) documents of cultural heritage, historical, or museum relevance;**

**under the commission's control to a corporation established under subdivision (6) without complying with IC 5-22-21 and IC 5-22-22.**

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" refers to the Indiana war memorials commission established by IC 10-18-1-2.

(b) As used in this SECTION, "corporation" refers to the Indiana War Memorials Foundation, Inc., a nonprofit corporation incorporated by articles of incorporation dated November 22, 2000.

(c) The incorporation of the corporation is legalized and is considered done under IC 10-18-1-18(6), as added by this act.

(d) The transfer of money and personal property from the commission to the corporation before April 30, 2005, is legalized.

(e) The commission may transfer the operation of the Indiana War Memorial gift shop and all personal property associated with the gift shop to the corporation.

(f) There is appropriated to the commission the amount of money determined by the state budget agency and the commission

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1 that represents the donations to the commission, including  
2 earnings, that are in the state treasury as the result of a reversion  
3 before the commission could make the transfer to the corporation.  
4 The appropriation shall be allocated by the state budget agency  
5 among the Indiana war memorial fund, the state general fund with  
6 respect to earnings, and the souvenir shop fund established by  
7 IC 10-18-1-26. The appropriation is to be used for the  
8 corporation's purposes, beginning July 1, 2005, and ending June  
9 30, 2007.

10 (g) This SECTION expires July 1, 2007.

11 SECTION 3. An emergency is declared for this act.

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REPORT OF THE PRESIDENT  
PRO TEMPORE

Madam President: Pursuant to Senate Rule 65(b), I hereby report that Senate Bill 193, currently assigned to the Committee on Homeland Security, Utilities, and Public Policy, be reassigned to the Committee on Appropriations.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 193, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning war memorials and to make an appropriation.

Page 2, delete lines 14 through 17, begin a new line block indented and insert:

**"The corporation is subject to audit by the state board of accounts as if it were a state agency.**

**(7) Transfer money donated to the commission for the purposes described in subdivision (6) to a corporation established under subdivision (6).**

**(8) Transfer:**

**(A) artifacts;**

**(B) images; or**

**(C) documents of cultural heritage, historical, or museum relevance;**

**under the commission's control to a corporation established under subdivision (6) without complying with IC 5-22-21 and IC 5-22-22."**

Page 2, between lines 31 and 32, begin a new paragraph and insert:

**"(f) There is appropriated to the commission the amount of money determined by the state budget agency and the commission that represents the donations to the commission, including earnings, that are in the state treasury as the result of a reversion before the commission could make the transfer to the corporation. The appropriation shall be allocated by the state budget agency among the Indiana war memorial fund, the state general fund with respect to earnings, and the souvenir shop fund established by IC 10-18-1-26. The appropriation is to be used for the corporation's purposes, beginning July 1, 2005, and ending June 30, 2007."**

Page 2, line 32, delete "(f)" and insert "(g)".

and when so amended that said bill do pass.

(Reference is to SB 193 as introduced.)

MEEKS, Chairperson

Committee Vote: Yeas 8, Nays 0.

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